

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

L.W., by and through her parents and next friends, Samantha Williams and Brian Williams; SAMANTHA WILLIAMS; BRIAN WILLIAMS; JOHN DOE, by and through his parents and next friends, Jane Doe and James Doe; JANE DOE; JAMES DOE; RYAN ROE, by and through his parent and next friend, Rebecca Roe; REBECCA ROE; and SUSAN N. LACY, on behalf of herself and her patients,

Plaintiffs,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

JONATHAN SKRMETTI, in his official capacity as the Tennessee Attorney General and Reporter; TENNESSEE DEPARTMENT OF HEALTH; RALPH ALVARADO, in his official capacity as the Commissioner of the Tennessee Department of Health; TENNESSEE BOARD OF MEDICAL EXAMINERS; MELANIE BLAKE, in her official capacity as the President of the Tennessee Board of Medical Examiners; STEPHEN LOYD, in his official capacity as Vice President of the Tennessee Board of Medical Examiners; RANDALL E. PEARSON, PHYLLIS E. MILLER, SAMANTHA MCLERRAN, KEITH G. ANDERSON, DEBORAH CHRISTIANSEN, JOHN W. HALE, JOHN J. MCGRAW, ROBERT ELLIS, JAMES DIAZ-BARRIGA, and JENNIFER CLAXTON, in their official capacities as members of the Tennessee Board of Medical Examiners; and LOGAN GRANT, in his official capacity as the Executive Director of the Tennessee Health Facilities Commission,

Defendants.

Case No.
3:23-cv-00376

District Judge Richardson

Magistrate Judge Newbern

**PROPOSED PLAINTIFF-INTERVENOR UNITED STATES' MEMORANDUM IN
OPPOSITION TO DEFENDANTS' MOTION TO RESET BRIEFING SCHEDULE AND
CONSOLIDATE PRELIMINARY INJUNCTION HEARING WITH TRIAL ON THE
MERITS**

The United States has moved to intervene in this matter and has also filed a motion for a preliminary injunction. ECF No. 38; ECF No. 40. The United States' motion to intervene is pending, with briefing scheduled to be completed no later than May 8, 2023. ECF No. 64. While Defendants' motion to reset the briefing schedule and consolidate the preliminary injunction hearing with trial on the merits ("Motion") does not purport to impact the briefing schedule or hearing date for the United States' preliminary injunction motion, the United States' interests would be materially impacted if Defendants' Motion is granted.¹ The United States respectfully submits this filing in opposition to Defendants' Motion.

If Tennessee Senate Bill 1, 2023 Tenn. Pub. Acts § 68-33-101, *et seq.* (2023) ("SB 1"), goes into effect on July 1, 2023, it will immediately deny transgender youth diagnosed with gender dysphoria access to medically necessary care. This "will have immediate, drastic, and often traumatic physical and psychological impacts on vulnerable transgender youth diagnosed with gender dysphoria and will cause irreparable harm to medical professionals, parents and caregivers, transgender minors, and the interests of the United States." ECF No. 41 at Page ID 511. As of July 1, all transgender youth diagnosed with gender dysphoria and, but for SB 1, for whom qualified health care providers would have prescribed certain medical care for the first time according to established medical guidelines will be cut off from even considering such treatment options within Tennessee. And all transgender youth who are already receiving

¹ The United States endorses maintaining the Court's May 15, 2023 filing deadline for Defendants' response to Plaintiffs' motion for a preliminary injunction, *see* ECF No. 75, to allow time for reply briefing and for the Court to schedule a hearing on the preliminary injunction motions in advance of Tennessee Senate Bill 1's effective date.

medical care to treat their gender dysphoria will be prohibited from considering any course of treatment recommended by their doctors that is “different from the medical procedure performed prior to [July 1, 2023].” Tenn. Pub. Acts § 68-33-103(b)(4).

Because the United States is seeking statewide relief on its claim and “the government’s interest is the public interest,”² the United States has an interest in the Court deciding its preliminary injunction motion prior to July 1, 2023, SB 1’s effective date. Granting Defendants’ Motion to delay the preliminary injunction hearing until January 2024 would result in the denial or alteration of necessary medical care to transgender minors and therefore harm the United States’ interests in protecting the public “from the denial of equal protection of the laws under the fourteenth amendment to the Constitution on account of . . . sex.” 42 U.S.C. § 2000h-2.

CONCLUSION

For the foregoing reasons, the Court should deny Defendants’ Motion to Reset Briefing Schedule and Consolidate Preliminary Injunction Hearing with Trial on the Merits.

Dated: May 4, 2023

Respectfully submitted,

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² *Pursuing Am.’s Greatness v. Fed. Election Comm’n*, 831 F.3d 500, 511 (D.C. Cir. 2016); *United States v. Cigna Corp.*, 2022 WL 3051010, at *9 n.8 (M.D. Tenn. Aug. 2, 2022) (stating “[i]n some contexts, courts view the public’s interest as identical to the Government’s interest, such that there is no real distinction” and citing, *inter alia*, *Pursuing Am.’s Greatness*, 831 F.3d at 512).

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CERTIFICATE OF SERVICE

I certify that on May 4, 2023, a true and correct copy of the foregoing was served via the Court's CM/ECF system, if registered.

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